



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHELSEA HOTEL OWNER LLC et al, :
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Plaintiffs, :
 :
- against - :
 :
CITY OF NEW YORK et al, :
 :
Defendants. :
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21-CV-3982 (ALC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves the two discovery issues raised by Defendant at Dkt. 104. With respect to Defendant's request to compel Plaintiff to produce a deponent for 30(b)(6) testimony in four areas for which previous testimony designated by Plaintiff is deemed by Defendant to be inadequate, the request is granted as follows: (1) Defendant must provide in writing an explanation of the additional information Plaintiff seeks to inquire about or follow-up on from the testimony already designated by Plaintiff; the identification of such additional information need not be particularly detailed or comprehensive, but should provide a good faith explanation of subject matter so that Plaintiff can identify and sufficiently prepare the appropriate witness(es); (2) the parties shall agree to a mutually convenient time and place for the deposition; (3) at the deposition, Plaintiff shall not ask the same questions for which Defendant has already designated 30(b)(6) testimony but may refer to those questions and the answers to them in order to provide context for the additional questioning; (4) the deposition shall be limited to four hours.

The request regarding Plaintiff's responses to Defendant's Second Set of RFPs is denied without prejudice as premature. In producing responsive documents, Plaintiff

must conduct a reasonable search as required under the Federal Rules of Civil Procedure. That search should include, inter alia, attention to missing attachments as well as documents that would be expected to be found in Plaintiff's possession, custody, or control. Defendant may renew its application after both (1) receiving and evaluating Plaintiff's objections and responses to the requests, and (2) meeting and conferring with Plaintiff with respect to any perceived deficiencies.

The Clerk of Court is respectfully directed to terminate the letter motion at Dkt. 104.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: January 16, 2024
New York, New York

Copies transmitted this date to all counsel of record.